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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HAILU, TADESSE

ART UNIT PAPER NUMBER

2173

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,331

Applicant(s)

BILSING ET AL.

Examiner

Tadesse Hailu

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4-9,20-25,27,28 and 32-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4-9,20-25,27,28 and 32-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) * | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Amendment submitted/entered with filing of RCE on 8/30/2004.
2. The pending claims 2, 4-9, 20-25, 27, 28, 32-37 are examined herein as follows:

Claim Objections

3. Claims 20 and 21 are objected to because of the following informalities : the claims are depending on a canceled claim 29. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 2, 4-9, 20-25, 27, 28, 32-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Lopaz (US Pub Application No. 2004/0201711).

The applied reference has a common assignee with the instant application.

Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

With regard to claim 2:

As per "...said intent-based image acquisition system is configured to provide the user with a graphical user interface, said graphical user interface being configured to display to the user the intent-based selections." As illustrated in the graphical user interface of Fig. 1, a variety of intent objects are displayed for user selection (see Lopaz, Fig. 1, paragraph 10).

With regard to claim 4:

As per "... a first of said of intent-based selections is configured with format settings adapted to alter digital image data corresponding to a first intended use of the image data, and wherein said intent-based image acquisition system is further configured to enable modification of said format settings." As illustrated in Fig. 2, a plurality of format settings for each of intent objects are shown, these setting are modifiable by the user, for example print quality 226 in Fig. 2 is set to *high*, it could also *be set to low* when needed, etc (See Lopaz, paragraphs 4, 10 and 11).

With regard to claim 5:

As per "..., wherein said graphical user interface is configured to enable a user to preview image data that has been formatted to correspond to an intended use of the digital image data." For example, as described in Lopaz, when the email icon 132 is selected another screen is displayed (for previewing or viewing) the content that the email object references (see Lopaz, paragraph 11, Fig. 2).

With regard to claim 6:

As per "..., wherein said intent-based selections are selected from the group consisting of: posting the image data on a Web site for printing, posting the image data on a Web site for viewing, emailing photo for printing, emailing photo for viewing, and archiving image data." Lopaz describes posting an image to WWW (140) for processing (printing, viewing, etc), emailing (132) image for processing, and archiving (130) image (see Lopaz, paragraph 10).

With regard to claim 7:

As per "..., wherein said image-capturing device is selected from the group consisting of a scanner, a digital camera, a multi-function device, a digital sender, and a digital copier." Lopaz at least discloses a computer (a multi-function device) (124) and digital camera (see Lopaz, paragraph 3 and Fig. 1).

With regard to claim 8:

As per "..., wherein said intent-based image acquisition system is configured to launch an application, the application being configured to enable modification of the digital image data." Lopaz describes that the intent file listed in Fig. 2 are all modifiable by the user. for example, changing one image format to another such as tiff to jpeg, changing printing quality format from high to low, etc (see Lopaz, Fig. 2 and paragraph 11).

With regard to claim 9:

As per "..., wherein said intent-based image acquisition system further comprises:

means for enabling modification of the digital image data." Again, Lopaz describes user selects any one of the intent object (Fig. 1) for modifying the corresponding intent file data (Fig. 2) (see Lopaz, paragraph 11).

With regard to claim 20:

Claim 20 is rejected for reasons similar to those given for the rejection of claim 5.

With regard to claim 21:

Claim 21 is rejected for reasons similar to those given for the rejection of claim 9.

With regard to claim 22:

As per "An imaging system" (see Lopaz, Fig. 4, paragraph 13).

As per "an intent-based image acquisition system configured to provide intent-based selections to a user and receive digital image data corresponding to a captured image;" (see Lopaz, Fig. 4, paragraph 13) and

As per "an image-capturing device communicatively coupled to said intent-based image acquisition system;" (see Lopaz, Fig. 4, paragraph 13).

As per "wherein, in response to the user selecting one of the intent-based selections, the image-capturing device captures an image as digital image data in a format corresponding to the one of the intent-based selections;" (see Lopaz, paragraph 10, Fig. 1) and

As per "wherein said intent-based image acquisition system is further configured to enable modification of said format responsive to a user input such that the format at which the image is captured is modifiable by the user." (see Lopaz, paragraph 14).

With regard to claim 23:

As per "..., wherein said image capturing device has an intent-based image acquisition system actuator such that, in response to actuating said intent-based image acquisition system actuator, said intent-based image acquisition system provides the intent-based selections to the user." (see Lopaz, paragraphs 12-13).

With regard to claim 24:

As per "..., wherein modification of the format of the digital image data comprises modification of a resolution at which the digital image data is acquired." (See Lopaz, Fig. 2, paragraph 11).

With regard to claim 25:

As per "A method for providing image data to a user" (see Lopaz, Fig. 3, paragraph 12):

As per "providing intent-based selections to the user, each of the intent-based selections associated with an intended use of digital image data corresponding to a captured image;" (see Lopaz, Fig. 14, paragraph 13).

As per "in response to the user selecting one of the intent-based selections, capturing digital image data in a format corresponding to the one of the intent-based selections;" (see Lopaz, Figs. 1 and 2, paragraph 10).

As per "in response to a user input, modifying the format at which digital image data is to be captured in response to the user selecting the one of the intent-based selections;" (see Lopaz, Figs. 1 and 2, and paragraph 10).

As per “wherein the intent-based selections are provided to the user in response to actuation of an intent-based actuator of an image-capturing device.” (see Lopaz, paragraph 13).

With regard to claim 27:

Claim 27 is rejected for reasons similar to those given for the rejection of claim 24.

With regard to claim 28:

As per “...modifying the digital image data after the digital image data has been acquired.” (see Lopaz, paragraph 10).

With regard to claim 32:

As per “An imaging system” (see Lopaz, Fig. 4).

As per “an intent-based image acquisition system configured to provide intent-based selections to a user and receive digital image data corresponding to a captured image;” (see Lopaz, paragraph 10, Fig. 1). and

As per “an image-capturing device communicatively coupled to said intent-based image acquisition system;” (see Lopaz, paragraph 13, Fig. 4).

As per “wherein said image-capturing device has an intent-based image acquisition system actuator such that, in response to actuating said intent-based image acquisition system actuator, said intent-based image acquisition system provides the intent-based selections to the user.” (see Lopaz, paragraph 13, Fig. 4).

With regard to claim 33:

As per "..., wherein, in response to the user selecting one of the intent-based selections, the image-capturing device captures an image as digital image data in a format corresponding to the one of the intent-based selections." (see Lopaz, paragraph 10).

With regard to claim 34:

As per "..., wherein said intent-based image acquisition system is further configured to enable modification of said format responsive to a user input such that the format at which the image is captured is modifiable by the user." (see Lopaz, paragraph 14).

With regard to claim 35:

Claim 35 is rejected for reasons similar to those given for the rejection of claim 24.

With regard to claim 36:

Claim 36 is rejected for reasons similar to those given for the rejection of claim 6.

With regard to claim 37:

As per "..., wherein the image-capturing device is used to capture the digital image data." (see Lopaz, Fig. 4, paragraph 13).

CONCLUSION

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 273-4051. The Examiner can normally be reached on M-F from 10:00 - 630 ET. If attempts

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to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, John Cabeca, can be reached at (571) 273-4048 Art Unit 2173.

6. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Tadesse Hailu
November 5, 2004

Tadesse Hailu
Nov 5, 04